



INVESTIGATIVE REPORT

Lori Torres, Inspector General

OFFICE: DEPARTMENT OF CHILD SERVICES (DCS)
TITLE: DCS POST-EMPLOYMENT
CASE ID: 2018-03-0056
DATE: May 4, 2018

Inspector General Staff Attorney Matt Savage, after an investigation by Director of Investigations Darrell Boehmer, reports as follows:

The Indiana General Assembly charged the Office of the Indiana Inspector General (OIG) with addressing fraud, waste, abuse, and wrongdoing in executive branch agencies of state government. IC 4-2-7-2(b). The OIG also investigates allegations of criminal activity and Code of Ethics violations within state government. IC 4-2-7-3.

The Department of Child Services (DCS) referred this investigation to the OIG on February 20, 2018. Information contained in the referral indicated that a former DCS Family Case Manager (FCM) may have assisted the FCM's current employer with a particular matter in which the FCM personally and substantially participated as a DCS employee. The OIG's Director of Investigations, Darrell Boehmer, conducted an investigation into a possible violation of the Code of Ethics' post-employment rule found at IC 4-2-6-11.

In 2017, the FCM left DCS employment and accepted employment as a supervisor with a DCS Service Provider (Provider). Prior to the FCM leaving DCS employment, the FCM regularly referred DCS cases to the Provider pursuant to DCS's contract with the Provider.

As a supervisor for the Provider, the FCM supervised a contractor who delivered tutoring services in a case that the FCM had referred to the Provider when the FCM worked for DCS. According to information Director Boehmer obtained from the Provider, this was the FCM's only involvement as a Provider employee in a case that the FCM referred to the Provider when the FCM worked for DCS. According to the Provider's Director of Program and Operations, the Provider immediately removed the FCM from this case when DCS informed the Provider that the FCM may not oversee cases on which the FCM worked while with DCS.

Director Boehmer obtained a list of the Provider's cases in which the FCM participated as a Provider employee and a list of all cases that the FCM referred to the Provider when the FCM

worked for DCS. Director Boehmer compared the two lists and did not find another case in which the FCM participated as both a DCS employee and a Provider employee.

The OIG's investigation found that the FCM may have violated the post-employment rule's particular matter restriction when the FCM assisted the Provider with supervising one case that the FCM had referred to the Provider while working for DCS. However, DCS and the Provider quickly corrected the matter, and the OIG's investigation found no evidence that the FCM has otherwise violated the particular matter restriction. As a result, the OIG is declining to refer this matter to the State Ethics Commission (Commission) for a violation of the post-employment rule's particular matter restriction under IC 4-2-6-11(c).

As a DCS employee, the FCM referred cases to the Provider pursuant to the Provider's contract with DCS. The FCM then began employment with the Provider within one year after leaving state employment. Due to the Commission's recent Formal Advisory Opinions that indicate all discretionary decisions regarding the administration of DCS's contracts are made within DCS's central office, the OIG's investigation did not find sufficient evidence to establish that the FCM violated the post-employment rule's cooling off restriction under IC 4-2-6-11(b).

The OIG's investigation found no evidence to support a violation of the Code of Ethics or Criminal Code. As a result, the OIG is closing this investigation.

Dated: May 4, 2018

APPROVED BY:



Lori Torres, Inspector General